

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Soo Line Railroad Co. Tracks with Ontario Street in the City of Portage, Columbia County

9150-RX-541

AMENDED FINDINGS OF FACT AND ORDER

On February 11, 2004, the Commissioner of Railroads directed the staff of the Office of the Commissioner of Railroads (OCR) to investigate the adequacy of warning devices under §195.28, Stats., at the grade crossing of the Soo Line Railroad Co. (Soo Line) tracks with Ontario Street in the City of Portage, Columbia County (Crossing No. 390 688B / MP 176.55).

On March 30, 2004, the Office of the Commissioner of Railroads issued an order for the installation of 12" LED automatic flashing lights with gates with constant warning time circuitry on the two main tracks. Based on a subsequent review of the crossing the Commissioner has determined that the March 30 order was based on incorrect findings of fact, primarily the traffic volume on Ontario Street.

The order found that Ontario Street carried an average daily traffic (ADT) of 140 according to DOT records. The subsequent investigation determined that the traffic that actually goes over the crossing is far lower, probably about 15 ADT. Nearly all of the traffic on Ontario Street travels on the portion of the roadway south of the crossing between a residential area and USH 51. Ontario Street dead-ends about one mile north of the crossing. There is one residence north of the crossing. The roadway also provides access to a hunting area, but there is no parking lot. Using this lower traffic count the DOT's projection of net benefits would also be significantly lower (less than \$1 of benefit for each \$1 expended).

Based on this corrected information regarding the number of vehicles using Ontario Street the Commissioner concludes that the existing warning devices (crossbucks, stop signs, and advance warning signs) are adequate. The order for automatic flashing lights and gates is **rescinded**.

THEREFORE, IT IS ORDERED,

1. That the order for the installation of 12" LED automatic flashing lights with gates and constant warning time circuitry on the two main tracks at the crossing of the Soo Line Railroad Co. tracks with Ontario Street at-grade in the City of Portage, Columbia County is hereby **rescinded** (Crossing No. 390 688B / MP 176.55).

2. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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